

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION
CASE NO. 7:22-cv-03738-TMC-KFM

Kelly Dawsey,
Plaintiff,
vs.

Bayerische Motoren Werke
Aktiengesellschaft and BMW
Manufacturing Co., LLC,
collectively d/b/a "BMW Group",
Defendants.

DEPOSITION OF EVA BURGMEIER

DATE TAKEN: January 10, 2024
TIME BEGAN: 9:58 a.m.
TIME ENDED: 3:19 p.m.
LOCATION: Jackson Lewis, PC
15 South Main Street, Suite 700
Greenville, South Carolina 29601
REPORTED BY: Traci L. Barr, RPR

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23 ALSO ATTENDING: Paul Lindemann, Brian Church

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25

1 Q. Okay. And do all of your benefits come from BMW
2 MC?

3 MR. ROZELSKY: Objection to form.

4 THE DEPONENT: I know that there are payments from AG due
5 to some tax reasons because I have to file two tax
6 reports. I'm still taxed in Germany, but I'm also
7 taxed in the US, so that's a very complex payroll
8 topic from a technical standpoint that I cannot
9 explain. That's why we have support from Ernst &
10 Young in this case to file the tax reports, but my
11 salary is paid by BMW MC because I'm employed by
12 BMW MC right now.

13 EXAMINATION RESUMED

14 BY MR. MURPHY:

15 Q. Okay. But you still pay taxes in Germany?

16 A. Yes.

17 Q. Your medical coverage, do you have any medical
18 coverage through Germany?

19 A. Yes.

20 Q. Okay.

21 A. But it is not employee provided. That's -- health
22 insurance is not employee provided in Germany.
23 It's a private decision or personal decision to
24 have health insurance and what kind of health
25 insurance you have. It has nothing to do with the

1 Q. In terms of -- you say as needed we reach out to
2 each other.

3 Do you reach out only to individuals in Germany, or
4 do you reach out to people in other places in the
5 United States or other countries?

6 A. We have a very good collaboration with Mexico as a
7 P plant there. We talk with Debrecen because they
8 also ramp up a battery plant.

9 Q. Who?

10 A. That's a plant in Hungary. Debrecen,
11 D-E-B-R-E-C-E-N. They are one year ahead of us
12 with the battery plant, so it's valuable
13 information we can get from them when they run into
14 issues that might be similar here. Also, China,
15 New Jersey, as well, for -- we look at --

16 Q. I'm sorry?

17 A. If we talk about, for example, things that are US
18 specific, because other countries won't help us
19 with topics like this. If we have best practice
20 shares on benefits topics, for example, what do
21 they offer, what do they do, what worked out for
22 them in comparison to what we do.

23 Q. Okay. Since you've been in TX-60 at BMW MC, how
24 often have you interacted with the BMW AG folks in
25 Germany?

1 A. Very frequently.

2 Q. Okay.

3 A. Because they are part of the production network as
4 well.

5 Q. Okay. And on what kind of issues are you working
6 with the people in BMW Germany?

7 MR. ROZELSKY: Object to the form.

8 THE DEPONENT: Since it's production network, the same
9 issues we talk to someone in Mexico or Hungary, the
10 colleague there. We also talk about -- for
11 example, if we want to have something like parent
12 leave or talk about part-time options, they can
13 give us an overview what the production network
14 does because they have this knowledge, and I don't
15 have to go to every plant individually, so that's a
16 big asset for us that we have the overview with
17 them if you just want to do the research on how the
18 production work operates to get an idea initially.
19 We talk about indirect head count at locations,
20 what our needs are, how we will grow in the future,
21 how much money we will need to cover this growth,
22 how much money we will need for our compensation
23 package to stay competitive. That's what we
24 discuss.

25 Q. And how often do you have those types of

EXAMINATION RESUMED

BY MR. MURPHY:

Q. Did you receive a turnover document from Kelly Dawsey when you assumed the TX-60 position?

A. I have received a link to a Teams group that she had created, and in this Teams group, there were documents uploaded and other documents, yes.

Q. The 67th percentile target, that came from Germany, correct?

MR. ELLISON: Object to the form.

MR. ROZELSKY: Object to the form.

MR. ELLISON: You can answer.

THE DEPONENT: That do have this for BMW AG as well, and there was assumption -- it's my assumption no reason to change it for an entity in the United States, but in the end of the decision from TX and TX-6 where we want to position our compensation or total rewards package.

EXAMINATION RESUMED

BY MR. MURPHY:

Q. Okay. And the 67th percentile was for total compensation, value of benefits, plus value of wages?

A. Cash, bonus, and benefits.

Q. Okay.

1 A. Excluding the car, the vehicle benefit. That's not
2 part of it.

3 Q. Okay. What is the US Automotive Salary and
4 Benefits Survey?

5 A. Say it again, please.

6 Q. What is the US Automotive Salary and Benefits
7 Survey?

8 A. I don't know.

9 Q. Who is Watson Wyatt?

10 A. Watson Wyatt? I don't know. I think it's now
11 Willis, Towers, Watson. I think the company has
12 changed the name, but that's an assumption.

13 Q. Okay. What is it?

14 A. It's a consulting firm.

15 Q. Okay. What do they consult on?

16 A. I don't know what they consult on. We do have
17 contracts with them. Willis, Towers, Watson, as of
18 now, is our consultant for benefits.

19 Q. Do they consult on anything else right now other
20 than benefits?

21 A. I do not know, but let me think. I know the
22 benefits consulting piece, yes. I don't know.

23 Q. Okay. Do you know what services Watson Wyatt or
24 Willis, Towers, Watson provided while Kelly Dawsey
25 was in TX-60?